S.B.Civil Revision Petition No.323/2006

Phusa Ram and others
vs.
Ganesh and another.

Date : 4.7.2006

HON'BLE MR. PRAKASH TATIA, J.

Mr. MS Purohit, for the petitioners.

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Heard learned counsel for the petitioners.

After going through the reasons given by the trial court, I do not find any reason to interfere in the order passed by the trial court dated 23.8.2005 particularly in view of the facts that the objection of the petitioners is that the land in question is an agriculture land and said plea must have been taken by him in his written statement which was allowed to be taken on record by the order of this Court in the writ petition filed by the petitioners, as submitted by learned counsel for the petitioners, therefore, all objections will be considered and decided by the trial court at the time of final hearing of the suit.

It is also pertinent that the question about the nature of the land is also not a pure question of law, therefore also, there is no reason to decide the said issue as preliminary issue.

In view of the above, I do not find any merit in the revision petition and the same is hereby dismissed.

(PRAKASH TATIA), J.

S.Phophaliya